

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:) CHAPTER 13
)
PAMALA DENISE HELLER) CASE NO. 18-60154-PMB
)
DEBTOR.)

**CHAPTER 13 TRUSTEE'S
OBJECTION TO CONFIRMATION & MOTION TO DISMISS**

COMES NOW Melissa J. Davey, Chapter 13 Trustee, and objects to confirmation of the plan and files this motion to dismiss under 11 U.S.C. Section 1307(c), for cause, including the following reasons:

1. The plan as proposed will extend beyond sixty (60) months, contrary to 11 U.S.C. Section 1322(d).
2. The Debtor has failed to provide the Trustee with a copy of the federal income tax return for the most recent tax year ending immediately before the commencement of the instant case in violation of 11 U.S.C. Section 521(e)(2)(A)(i).
3. The Debtor's proposal to pay a total of \$675.55 per month for Debtor's retirement contribution appears to be excessive and unnecessary for the maintenance or support of the Debtor or dependents in this zero percent (0%) composition Plan in violation of 11 U.S.C. Sections 1325(a)(3) and 1325(b)(2)(A).
4. The Debtor's proposal to fund automobile debt totaling \$43,213.70 in a zero percent (0%) composition Plan may indicate a lack of good faith and may violate 11 U.S.C. Sections 1325(a)(3) and 1325(a)(7).
5. The Chapter 13 Plan fails to provide treatment of the filed secured claims of One Main Financial and Navy Federal Credit Union, in violation of 11 U.S.C. Sections 1322(a)(2) or 1325(a)(5).
6. Debtor has failed to file a Certificate of Service regarding the Chapter 13 Plan and/or the filed Certificate of Service fails to indicate service on all entities listed on the Mailing Matrix in violation of F.R.B.P. 3015, 2002 and NDGA Bankruptcy Court General Order 21-2017, Section 4.2.
7. The Chapter 13 plan proposes to pay \$5,225.00 to the Debtor's Attorney for payment of attorney fees. The Trustee is unable to determine whether this is a reasonable fee and would request that Debtor's counsel appear at confirmation and be prepared to present evidence to the Court regarding the reasonableness of the requested fee.

Melissa J. Davey, Chapter 13 Trustee
Suite 200 – 260 Peachtree Street, N.W.
Atlanta, Georgia 30303
(678) 510-1444

WHEREFORE, Trustee moves this Honorable Court to inquire into the above objections at the separately scheduled and noticed confirmation hearing, deny confirmation of the Chapter 13 plan, dismiss the case, and for such other and further relief that this Court deems just and proper.


/s/ Melissa J. Davey

Melissa J. Davey
Chapter 13 Trustee
GA Bar No. 206310

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CERTIFICATE OF SERVICE


This is to certify that I have this day served:

DEBTOR(S):
PAMALA DENISE HELLER
1064 SLY FOX RUN
FAIRBURN, GA 30213

DEBTOR(S) ATTORNEY:
SLIPAKOFF & SLOMKA, PC
OVERLOOK III, SUITE 1700
2859 PACES FERRY RD, SE
ATLANTA, GA 30339

in the foregoing matter with a copy of this Objection to Confirmation & Motion to Dismiss by depositing in the United States Mail a copy of same in a properly addressed envelope with adequate postage thereon.

Wednesday, August 8, 2018

/s/ 

Melissa J. Davey
GA Bar No. 206310
Chapter 13 Trustee
260 Peachtree Street, NW, Suite 200
Atlanta, GA 30303
Telephone: 678-510-1444
Facsimile: 678-510-1450